

1 SUSAN S. MUCK (CSB NO. 126930)  
2 DEAN S. KRISTY (CSB NO. 157646)  
3 CATHERINE DUDEN KEVANE (CSB NO. 215501)  
4 FENWICK & WEST LLP  
5 555 California Street, 12th Floor  
6 San Francisco, CA 94104  
7 Telephone: (415) 875-2300  
8 Facsimile: (415) 281-1350  
9 smuck@fenwick.com  
10 dkristy@fenwick.com  
11 ckevane@fenwick.com  
12  
13 Attorneys for Defendants  
14 Shoretel, Inc.; John W. Combs; Michael E. Healy; Edwin J.  
15 Basart; Gary J. Daichendt; Thomas Van Overbeek; Kenneth  
16 D. Denman; Charles D. Kissner; and Edward F. Thompson

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

14 PHYNICE KELLEY, Individually and on  
15 Behalf of All Others Similarly Situated,

15 Plaintiff,

16 v.

17 SHORETEL, INC.; JOHN W. COMBS;  
18 MICHAEL E. HEALY; EDWIN J. BASART;  
19 GARY J. DAICHENDT; THOMAS VAN  
20 OVERBEEK; KENNETH D. DENMAN;  
21 CHARLES D. KISSNER; EDWARD F.  
22 THOMPSON; LEHMAN BROTHERS, INC.;  
23 J.P. MORGAN SECURITIES, INC.; and  
24 PIPER JAFFRAY & CO.,

22 Defendants.

Case No. CV 08 0683 CRB  
Related Case No. CV 08 0271 CRB

**STIPULATION AND ~~PROPOSED~~  
ORDER CONTINUING DATE FOR  
INITIAL CASE MANAGEMENT  
CONFERENCE**

24 WHEREAS the initial case management conference in the above-captioned action is  
25 currently scheduled for April 25, 2008;

26 WHEREAS pursuant to the stipulation entered into by the parties on February 6, 2008, the  
27 time for each Defendant to answer, move or otherwise respond to the complaint in the above-  
28

captioned action is extended until after the appointment of a Lead Plaintiff and Lead Plaintiff's Counsel and the filing of a consolidated complaint (or designation of an operative complaint);

WHEREAS, the parties believe that the interests of judicial economy are better served by postponing the case management conference until after the hearing on the defendants' motions to dismiss; and

IT IS THEREFORE STIPULATED AND AGREED by plaintiffs and defendants, through their respective counsel of record that, subject to the Court's approval, the Initial Case Management Conference in this action, currently set for April 25, 2008, shall be taken off calendar and rescheduled to after the hearing on the defendants' motions to dismiss, on a date convenient for the Court and that, pursuant to the Court's Order Setting Initial Case Management Conference and ADR Deadlines, the other deadlines set forth therein are continued accordingly.

It is SO STIPULATED.

Dated: February 28, 2008

FENWICK & WEST LLP

By: /s/ Catherine D. Kevane  
Catherine D. Kevane

Attorneys for Defendants

Shoretel, Inc.; John W. Combs; Michael E. Healy; Edwin J. Basart; Gary J. Daichendt; Thomas Van Overbeek; Kenneth D. Denman; Charles D. Kissner; and Edward F. Thompson

I, Catherine D. Kevane, am the ECF User whose ID and password are being used to file this **STIPULATION AND [PROPOSED] ORDER CONTINUING DATE FOR INITIAL CASE MANAGEMENT CONFERENCE**. In compliance with General Order 45, X.B., I hereby attest that each of the two signatories identified below has concurred in this filing.

1 Dated: February 28, 2008

SCHIFFRIN BARROWAY TOPAZ &  
KESSLER, LLP

2  
3  
4 By: /s/ Alan R. Plutzik  
Alan R. Plutzik

5 Attorneys for Plaintiff

6 Dated: February 28, 2008

BINGHAM McCUTCHEN LLP

7  
8 By: /s/ Charlene S. Shimada  
Charlene S. Shimada

9 Attorneys for Defendants

10  
11 Lehman Brothers Inc., J.P. Morgan Securities  
Inc. and Piper Jaffray & Co.

12  
13  
14  
15 **ORDER**

16 The parties having so stipulated, and good cause appearing,

17 IT IS SO ORDERED.

18  
19  
20 Dated: February 29, 2008

21 Honorable Charles R. Breyer  
United States District Court Judge

